IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.Rev.Pet.No. 102 of 2007()

CRA.560/2005 of ADDL.SESSIONS COURT (ADHOC), KOTTAYAM
CC.46/2000 of JUDL. MAGISTRATE OF FIRST CLASS, VAIKOM

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REVN. PETITIONER: APPELLANT/ACCUSED

M.N.THANKAPPAN,
MAPPILAPARAMBIL, PADINJAREKKARA P.O.,
VAIKOM.

BY ADV. SRI.T.P.SAJAN

RESPONDENTS: RESPONDENTS/COMPLAINANT

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1. GOPALAKRISHNAN NAIR,
S/O.GOPINATHAN NAIR, MANIMANDIRAM,
PADINJATTUMCHERI THEKKUMURI, VAIKOM,
MANAGING PARTNER, M/S.VINAYAKA MUTUAL FUND,
VAIKOM.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.R.PADMARAJ
PUBLIC PROSECUTOR SRI.C.M.KAMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.R.P.No.102 of 2007

Dated this the 9th day of January 2007

O R D E R

This revision petition is directed against a concurrent verdict of guilty, conviction and sentence in a prosecution under Section 138 of the Negotiable Instruments Act.

2. After indulgent modification of the sentence by the appellate court, the petitioner now faces a sentence of imprisonment till rising of court and to pay an amount of Rs.12,800/- as compensation and in default to undergo S.I for a period of one month.

3. This revision petition has been admitted after condoning the delay. Respondent has already entered appearance. Submissions have been heard. The short prayer made by the learned counsel for the petitioner against which no serious objection has been raised by the learned counsel for the complainant is that the petitioner/accused may be granted some time to pay the compensation amount and avoid the default sentence. No other contentions are raised on merits.

4. I am satisfied, in these circumstances, that this revision petition can be dismissed but subject to the observation, as agreed by both sides, that the default sentence shall not be executed prior to 09/03/2007. The sentence shall not be executed till that date. If the petitioner does not pay the amount by then, the learned Magistrate shall thereafter proceed to execute the modified sentence hereby imposed.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006